

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

CURTISS N. AYERS

NO. 20-12122 AMC
CHAPTER 13

MOTION OF CAB EAST, LLC/ FORD MOTOR CREDIT COMPANY, LLC FOR RELIEF
FROM THE AUTOMATIC STAY, BANKRUPTCY CODE § 362a
RE: LEASED 2018 FORD F150 MOTOR VEHICLE

1. Movant is CAB East, LLC/Ford Motor Credit Company, LLC ("Ford Credit") with offices at the National Bankruptcy Service Center in Colorado Springs, Colorado.

2. Respondents are Debtor, Curtiss N. Ayers, and the Chapter 13 Trustee, William C. Miller, Esquire.

3. On or about September 10, 2018, Debtor, Curtiss N. Ayers, leased a 2018 Ford F150 [VIN...63037]("Vehicle") pursuant to a 36 month Motor Vehicle Lease Agreement. A copy of the Lease further identifying the Vehicle is attached as Exhibit "A".

4. Pursuant to the Lease, Ford Credit is the owner and lessor of the Vehicle.

5. The Vehicle may be now, to Ford Credit's knowledge, uninsured or improperly insured, not having coverage required by the Lease.

6. Ford Credit has incurred legal expenses in protecting its interests and is seeking adequate protection of its interests which Debtor has failed to provide.

7. There are 16 regular payments remaining on the Lease which is contractually due for September 10, 2020, and thereafter. Regular monthly payments on the Lease are \$635.83 each. The most recent payment was for \$700.00 on or about October 1, 2020.

8. The Vehicle is a depreciating asset and unless the matter is immediately resolved Ford Credit will continue to suffer irreparable harm.

9. There is no equity in the Vehicle or the Lease for Debtor or its estate, nor is the same necessary for an effective reorganization.

10. Debtor has assumed the Lease in his Amended Chapter 13 Plan but has failed to provide adequate protection of Ford Credit's interest nor adequate assurance of compliance with the Lease.

WHEREFORE, CAB East LLC/Ford Motor Credit Company, LLC prays this Honorable Court to enter an Order granting it relief from the automatic stays of Code Section 362, with waiver of FRBP 4001(a)(3), and for such other relief as is just and equitable.

Oct. 27, 2020

Respectfully submitted,

GERSHMAN LAW OFFICES, PC



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